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KITSAP DIVERSION PROGRAM

MuckRock News  
DEPT MR 67461  
411A Highland Ave  
Somerville, MA 02144-2516  
67461-51920323@requests.muckrock.com

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Kitsap Juvenile Court Services  
Washington Public Records Act Office  
1338 Southwest Old Clifton Road  
Port Orchard, WA 98367

February 27, 2019

This is a follow up to a previous request:

Mr. Merringer,  
This is a follow up to my letter dated 2/11/2019:

Dear Mr. Merringer,

I received your letter dated February 7, 2019. You wrote that Mr. Stevenson objected to disclosure of the record. By law, Mr. Stevenson is not provided an opportunity to object and impose unreasonable delay of disclosure of records of a Government or State employee.

In the procedure that you provided a link to please see:

"Opposition to Disclosure of Court Administrative Records by Named Party" it says, " Unless otherwise required or prohibited by law, the Superior Court or Juvenile Court public records officer will notify any person, other than a State or County government employee, who is specifically named in a records request or to whom a record specifically pertains. "

The request is for "state or government employment" records which means they are records of a person who is an employee and the law is clear that an employee cannot object to disclosure; Only 'any person other than a State or Government employee' may object.

The policy is also clear that only records of a "non-employee" who is the subject of a record requires notification.

The same policy you provided also says that If either the subject of the record or the record requester objects to informal review, then this process is unavailable.

I have requested the employment records of a Government employee and those records are discloseable . That the named subject is a government employee disqualifies that employee's ability to seek an informal review and prevent disclosure of the records. The records are to be disclosed.

I object to the request for informal review and look forward to the records be disclosed without further delay.

Very truly yours,

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Penny Allen

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E-mail (Preferred): 67461-51920323@requests.muckrock.com

For mailed responses, please address (see note):  
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On Feb. 27, 2019:  
Good morning Ms. Allen,

Please see my response to your letter attached.

Michael S. Merringer, Director  
Kitsap County Juvenile and Family Court Services  
1338 SW Old Clifton Road  
Port Orchard, WA 98367  
(360) 337-5465  
mmerringer@co.kitsap.wa.us<mailto:mmerringer@co.kitsap.wa.us>

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On Feb. 26, 2019:  
Mr. Merringer,  
This is a follow up to my letter dated 2/11/2019:

Dear Mr. Merringer,

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Somerville, MA 02144-2516  
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I received your letter dated February 7, 2019. You wrote that Mr. Stevenson objected to disclosure of the record. By law, Mr. Stevenson is not provided an opportunity to object and impose unreasonable delay of disclosure of records of a Government or State employee.

In the procedure that you provided a link to please see:

"Opposition to Disclosure of Court Administrative Records by Named Party" it says, " Unless otherwise required or prohibited by law, the Superior Court or Juvenile Court public records officer will notify any person, other than a State or County government employee, who is specifically named in a records request or to whom a record specifically pertains. "

The request is for "state or government employment" records which means they are records of a person who is an employee and the law is clear that an employee cannot object to disclosure; Only 'any person other than a State or Government employee' may object.

The policy is also clear that only records of a "non-employee" who is the subject of a record requires notification.

The same policy you provided also says that If either the subject of the record or the record requester objects to informal review, then this process is unavailable.

I have requested the employment records of a Government employee and those records are discloseable . That the named subject is a government employee disqualifies that employee's ability to seek an informal review and prevent disclosure of the records. The records are to be disclosed.

I object to the request for informal review and look forward to the records be disclosed without further delay.

Very truly yours,  
Penny Allen

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On Feb. 15, 2019:  
Good morning Ms. Allen,

I received your letter dated February 8, 2019 indicating that there were no records provided with my correspondence dated January 30, 2019. I am forwarding the email I sent to you on January 30, 2019. Included in that email is my letter to you dated January 30, 2019 and the records you requested regarding Saeed Saber. Please contact me as soon as possible if you are not able to open the electronic documents.

Thank you,

Michael S. Merringer, Director  
Kitsap County Juvenile and Family Court Services

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On Feb. 10, 2019:  
Dear Mr. Merringer,

I received your letter dated February 7, 2019. You wrote that Mr. Stevenson objected to disclosure of the record. Would you please help me to understand why he is allowed to object and impose unreasonable delay of disclosure of records of a Government or State employee.

In the procedure that you provided a link to please see:

"Opposition to Disclosure of Court Administrative Records by Named Party" where it says, " Unless otherwise required or prohibited by law, the Superior Court or Juvenile Court public records officer will notify any person, other than a State or County government employee, who is specifically named in a records request or to whom a record specifically pertains. "

I believe that the fact that the request is for "state or government employment" records would make it obvious that they are records of a person who is an employee and the policy is clear that an employee cannot object to disclosure; Only 'any person other than a State or Government employee' may object and request an informal review.

I actually interpret the policy that it was not even required to inform him of the request- only records of a "non-employee" who is the subject of a record requires notification.

When reading further into the Policy you provided I find, " If either the subject of the record or the record requester objects to informal review, then this process is unavailable as a remedy."

I understand that to mean that if I, as the requester, object to his request for informal review, then the informal review is unavailable to him and the records should be disclosed without delay.

I have requested the employment records of a Government employee and those records are discloseable. That the named subject is a government employee which disqualifies his ability to seek an informal review.

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and prevent disclosure of the records. Further, if he were to have the right to request an informal review and I were to object, then his request is denied based upon my objection and the records are to be disclosed.

If my understanding is incorrect, I welcome your correction. Otherwise, I object to the request for informal review and look forward to the records be disclosed without further delay.

Very truly yours,  
Penny Allen

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On Feb. 7, 2019:  
Dear Ms. Allen:  
67461-51920323@requests.muckrock.com

Re: Request for Public Records

Dear Ms. Allen:

On January 22, 2019, you responded to my letter dated January 22, 2019 with the following clarification:

"To clarify, I am seeking the following information for Kitsap County Juvenile department employees' Charles Stevenson and Saeed Saber:

\*Date/s of hire

\*Job Description/s

\*Qualifications

In cases where they were transferred or promoted within their time of employment, I would like those dates, job descriptions and qualifications as well.

If an exemption applies to all or part of a record, the exempt content can be withheld or deleted (redacted). Exemptions should be narrowly construed to promote the public policy of disclosure. Please disclose the existence of records withheld as exempt and state their exemptions."

Your original request was made under the Washington Public Records Act, RCW 42.56 (hereinafter "PRA"). While the PRA is a Washington State statute, it does not apply to the judiciary, including the Kitsap County Juvenile Court. *Spokane & Eastern Lawyer v. Tompkins*, 136 Wn.App. 616, 150 P.3d 158 (2007), review denied 162 Wn.2d 1004, 175 P.3d 1092 (2007); *City of Federal Way v. Koenig*, 167 Wn.2d 341, 343, 217 P.3d 1172 (2009), citing *Nast v. Michels*, 107 Wn.2d 300, 730 P.2d 54 (1986); *Beuhler v. Small*, 115 Wn.App. 914, 64 P.3d 78 (2003). However, because requests for court administrative records are permissible under Washington State General Rule 31.1, we are construing your request under that provision.

In my response to you on January 30, 2019, I indicated that to your clarified request regarding Charles Stevenson, I discovered a total of two (2) pages of responsive records. Absent written objection from Mr. Stevenson, who must be notified of this request under Superior Court policy, these documents will be provided, with authority for redacted information, by February 18, 2019.

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On January 31, 2019, Mr. Stevenson objected to the release of the two (2) records, I identified as responsive to your clarified request. I have decided that based upon only his objection, I intend to release those records. On February 7, 2019, I have provided notice to Mr. Stevenson of my decision. Pursuant to Kitsap County Superior Court Policy and Procedure located via:  
[https://spf.kitsapgov.com/juv/Documents/Record\\_Request\\_Policy.pdf](https://spf.kitsapgov.com/juv/Documents/Record_Request_Policy.pdf)

Mr. Stevenson has ninety (90) calendar days, from this notice to provide a written request for informal review of my decision to the Superior Court Presiding Judge. The Judge then has approximately five working days or the earliest practicable date thereafter to make her decision. I will contact you regarding the decision of the Superior Court Presiding Judge consistent with this timeline or sooner if a decision is reached at a prior date.

Best Regards,

Michael S. Merringer, Director  
Kitsap County Juvenile and Family Court Services  
1338 SW Old Clifton Road  
Port Orchard, WA 98367  
(360) 337-5465  
[mmerringer@co.kitsap.wa.us](mailto:mmerringer@co.kitsap.wa.us)<<mailto:mmerringer@co.kitsap.wa.us>>

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On Jan. 16, 2019:

To Whom It May Concern:

Pursuant to the Washington Public Records Act, I hereby request the following records:

All documents containing the date of hire, rehire, lay-offs, dismissals, termination of employment, all past and current positions held, titles, salaries, job descriptions, and required qualifications held by the following employees whether current or former:

Charles W. Stevenson  
Saeed Saber

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

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In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Penny Allen

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